THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26970 OF 2006

Dated 2nd March 2007

Between:

The Fishermen Cooperative Society,
Venkriyala, Bibinagar Mandal, Nalgonda District

…Petitioner

and

The Deputy Director of Fisheries,
Nalgonda & others.

…Respondents

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O R D E R:

The petitioner was registered in the year 1963, with 8 villages as its area of operation. Kapraipalli is one such village. The petitioner asserts that it has been carrying on fishing operation, all through, in the three tanks of that village, apart from other water resources, within its area of operation. When the

3rd respondent society prevented the petitioner from conducting its fishing operation, in the tanks in Kapraipalli village, the matter received the attention of the Divisional Panchayat Officer and Deputy Director of Fisheries. The latter issued letter, dated 7.12.2006, to the effect that Kapraipalli village is within the limits of operation of the 3rd respondent society. Petitioner challenges the said letter.

It is stated that at no point of time, the petitioner was put on

notice, as to the exclusion of the said village from its area of operation, and inclusion of area of operation of the 3rd respondent is totally untenable.

On behalf of respondents 1 and 2, a counter affidavit is filed, stating *inter alia* that in the year 1981, the bylaws of the 3rd respondent were amended, through which Kapraipalli was included in its area of operation. The counter affidavit is silent as to the question whether the petitioner was put on notice, or as to the circumstances that led to the transfer of that village from the area of operation of one society, to other.

The 3rd respondent filed counter affidavit, stating that for the post almost quarter of a century, Kapraipalli is in its area of operation, and there is absolutely no basis for the claim of the petitioner.

Heard Sri D.Goverdhana Chary, learned counsel for the petitioner, learned Government pleader for Fisheries for respondents 1 and 2, and Sri P.Jagadeesh Chandra Prasad, learned counsel for the 3rd respondent.

The impugned letter does nothing more than clarifying that Kapraipalli village is in the area of operation by the 3rd respondent society. The latter by itself does not bring about any change in the respective rights and obligations of the petitioner, on the one hand, and 3rd respondent on the other. In the counter affidavit filed on behalf of respondents 1 and 2, it is stated that the transfer of the village took place in the year 1981. A certificate of amendment of bylaws is enclosed along with the counter affidavit of respondents 1 and 2. The

petitioner can be said to have suffered grievance, if at all, on account of registration of amendment of bye-laws to the

3rd respondent. If it has any grievance, be it on factual or legal aspect, it can certainly assail the said proceedings, before a proper forum, in accordance with law. This court cannot go into the correctness, or validity, of the said proceedings.

Therefore, the writ petition is disposed of, leaving it open to the petitioner, to assail the amendment of bylaws of the

3rd respondent society, through which Kapraipalli village was included in its area of operation. There shall be no order as to costs.

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2nd March 2007

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